

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Department of Homeland Security and Emergency Management hereby amends Chapter 1, "Organization," Iowa Administrative Code.

These amendments implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 14, 2015, as **ARC 2187C**. A public hearing was held on November 3, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on November 18, 2015.

After analysis and review of this rule making, no impact to jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective January 13, 2016.

The following amendments are adopted.

ITEM 1. Amend rule 605—1.1(29C) as follows:

605—1.1(29C) Description. The homeland security and emergency management ~~division~~ department ~~is a division within the department of public defense~~ is created in Iowa Code chapter 29C.

~~1.1(1) Director.~~ The adjutant general, as the director of the department of public defense under the direction and control of the governor, shall have supervisory direction and control of the homeland security and emergency management division and shall be responsible to the governor for the carrying out of the provisions of Iowa Code chapter 29C. In the event of disaster beyond local control, the adjutant general may assume direct operational control over all or any part of the emergency management functions within this state.

~~1.1(2) Administrator.~~ The homeland security and emergency management ~~division~~ department shall be under the management of ~~an administrator~~ a director appointed by the governor. The ~~administrator~~ director shall be vested with the authority to administer homeland security and emergency management affairs in this state and shall be responsible for preparing and executing the homeland security and emergency management programs of this state subject to the direction of the ~~adjutant general~~ governor. The ~~administrator~~ director, upon the direction of the governor and ~~supervisory control of the director of the department of public defense~~, shall: prepare a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, mitigation, recovery, emergency operation, and emergency resource management of this state; make such studies and surveys of the industries, resources and facilities in this state as may be necessary to ascertain the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof; provide technical assistance to any local emergency management commission or joint commission requiring such assistance in the development of an emergency management program; and implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986 42 U.S.C. § 9601 et seq.; ~~the administrator~~ The director, with the approval of the governor ~~and upon recommendation of the adjutant general~~, may employ a deputy administrator and such technical, clerical, stenographic and other personnel and make such expenditures within the appropriation or from other funds made available to the department of public defense for purposes of

homeland security and emergency management, as may be necessary to administer the purposes of Iowa Code chapters 29C, 30, and 34A.

ITEM 2. Amend rule 605—1.2(29C), introductory paragraph, as follows:

605—1.2(29C) Definitions. The following definitions are applicable to the homeland security and emergency management ~~division~~ department:

ITEM 3. Amend rule **605—1.2(29C)**, definitions of “Administrator” and “Division,” as follows:

“*Administrator Director*” means the ~~administrator~~ director of the homeland security and emergency management ~~division of the~~ department of public defense.

“*Division Department*” means the homeland security and emergency management ~~division of the~~ department of public defense.

[Filed 11/18/15, effective 1/13/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/9/15.